

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

## **RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859

December 26, 2007

Sir:

This paper is in Response to the Restriction Requirement mailed October 5, 2007. In the Restriction Requirement, the Examiner set a one-month period in which to reply, *i.e.*, by November 5, 2007. Enclosed herewith is a Request for a Two-Month Extension of Time and the appropriate fee, which extends the due date to January 5, 2008. Accordingly, this paper is timely.

In the Restriction Requirement, the Examiner restricted the application and required an election of one of following ten groups under 35 U.S.C. §§ 121 and 372.

**Group I** Claims 1-4, drawn to a method of treating hypersphosphatemia in a subject, comprising administering an isolated ASARM peptide that decreases serum phosphate levels, thereby treating hyperphosphatemia in the subject.

**Group II:** Claims 5-9, drawn to a method of treating hypophosphatemia in a subject, comprising administering an isolated ASARM peptide that decreases serum phosphate levels, thereby treating hypophosphatemia in the subject.

**ATTORNEY DOCKET NO. 21105.0011U2  
APPLICATION NO. 10/567,938**

- Group III: Claim 10, drawn to a method of treating or inhibiting osteoporosis in a subject comprising administering an isolated ASARM peptide to the subject in a dosage regimen that decreases bone resorption.
- Group IV: Claims 11-12, drawn to a method of treating a subject with a disease involving pathologically elevated levels of endogenous ASARM peptide, comprising inhibiting ASARM peptide activity in the subject.
- Group V: Claims 13-15, drawn to a method of treating or inhibiting ectopic tissue mineralization in a subject comprising administering ASARM peptide to the subject such that ectopic tissue mineralization is inhibited.
- Group VI: Claims 16-39, drawn to a method of inhibiting tumor growth in a subject, comprising administering one or more compounds chosen from MEPE, a peptide derived from MEPE, and an isolated ASARM peptide to the subject.
- Group VII: Claims 40-46, drawn to a method of identifying a subject with an increased likelihood of having or developing a disease or condition involving abnormal phosphate metabolism.
- Group VIII: Claims 47-48, drawn to a pharmaceutical composition, comprising an isolated ASARM peptide and a pharmaceutically acceptable carrier.
- Group IX: Claim 49, drawn to a method of identifying a compound for treating a disease involving a pathologically elevated level of ASARM peptide.
- Group X: Claims 50-52, drawn to a method of inhibiting MEPE-PHEX binding in a subject, comprising administering an isolated ASARM peptide to the subject in an amount sufficient to inhibit MEPE-PHEX binding.

As required in response to this Action, **Applicant elects Group V, Claims 13-15, without traverse.**

No election of species was required.

Payment in the amount of \$230.00 for the fee under 37 C.F.R. § 1.17(a)(2) is enclosed.

This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No.

14-0629.

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Respectfully submitted,  
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/Christopher L. Curfman/

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**CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/Christopher L. Curfman/

December 26, 2007

Christopher L. Curfman

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Date